

### REMARKS

Claims 1-8 are presently pending in the application.

Claim 1 has been amended to recite that each of the separate preliminary mixtures is aqueous, which is supported in the specification at least in paragraph [0012].

Further, Applicants respectfully request that these Amendments be accepted by the Examiner in the after-final stage, since they do not necessitate a new search by the Examiner. Namely, the addition of the word "aqueous" in claim 1 to describe the preliminary mixtures does not broaden the claims to encompass additional compositions than those already searched by the Examiner, since the compositions according to the invention were already described as separating into two aqueous phases.

Applicants acknowledge the Examiner's withdrawal of the rejections based on Cook, GB '189, and Jeschke in Paper No. 9. However, the Examiner has maintained her rejection of claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. 0 116 422 of Harmer ("Harmer"). Applicants respectfully traverse this rejection and the arguments in support thereof for the reasons set forth in the Amendment filed September 16, 2002, which Applicants rely upon in full, and for the additional reasons set forth below, and request reconsideration and withdrawal of the rejection.

#### Rejection Under § 102(b) Based on Harmer

The Examiner maintains that Harmer teaches hair or body shampoo compositions having an upper aqueous layer and a lower aqueous layer which are temporarily dispersible one in the other upon agitation of the composition, wherein the upper layer contains at least one detergent and the lower layer contains sodium hexametaphosphate. The Examiner contends that in Example 1, Harmer teaches a hair shampoo prepared by mixing together two separate mixtures, and filling directly into bottles, and concludes that Harmer teaches all of the claimed elements.

In response to Applicants' previous arguments, the Examiner contends that Harmer teaches in Example 1 that "the composition was prepared by mixing thoroughly together with stirring all the components with the exception of coconut diethanolamide, ethoxylated cocomonoethanolamide and perfume, which were preblended prior to addition to the rest of the components....The composition was filled directly into bottles." The Examiner argues that the 40% aqueous solution of triethanolamine lauryl sulphate, 40% hexametaphosphate and water, which were mixed together, are equivalent to one preliminary mixture, and that the preblend of coconut diethanolamide, ethoxylated cocomonoethanolamide and perfume, which was added separately, is equivalent to the other preliminary mixture. Further, the Examiner contends that the present claims do not require that the packing container be first filled with the first preliminary mixture followed by the second, but even if this were the case, Harmer's teaching regarding "avoiding the problem of having to fill each container separately with predetermined amounts of two different concentrates" is a teaching, albeit a negative teaching. Applicants respectfully traverse this rejection as follows.

The present invention is directed to a method of manufacturing liquid cleaning or detergent compositions which separate into at least two aqueous phases in the rest condition. The method involves producing at least two separate preliminary aqueous mixtures, which are stable between 0 and 40 °C, and not mixing them until immediately prior to or upon filling into the packaging container.

In contrast, the method taught by Harmer for preparing the hair and body shampoo compositions does not involve producing at least two preliminary aqueous mixtures and maintaining them separately until they are mixed immediately prior to or upon filling the composition into containers. Even if Harmer did teach (which Applicants are not conceding) preparing two preliminary mixtures, the first preliminary mixture or preblend would comprise only coconut diethanolamide, ethoxylated cocomonoethanolamide and perfume, but no aqueous

component. In contrast, as taught in paragraph [0012] of the present application, the main ingredient in each of the preliminary mixtures is water. Accordingly, since Harmer does not teach or suggest at least two separate aqueous preliminary mixtures, Harmer does not anticipate the present claims, and reconsideration and withdrawal of the rejection are respectfully requested.

In view of the preceding amendments and remarks, Applicants respectfully submit that the pending claims are patentable over the cited prior art and in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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(Date)

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Enclosures: Mark-up version of claim 1

Petition for Extension of Time (one month)

**Mark-up Version of Claim 1**

--1. (Amended) A method of manufacturing a ready-to-use, packaged liquid cleaning or detergent composition, which separates into at least two aqueous phases in the rest condition, comprising producing at least two separate aqueous preliminary mixtures, which do not exhibit any phase separation within a temperature range of about 0°C and 40°C, and refraining from mixing these preliminary mixtures with one another until immediately prior to or upon filling the mixtures in a packaging container.--